

Certified

Local

Government

Grant Manual for

- Rehabilitation
- Rehabilitation Planning Projects

State Historic Preservation Office
Michigan Historical Center
Department of History, Arts and Libraries
702 West Kalamazoo Street
PO Box 30740
Lansing, Michigan 48909-8240

**MICHIGAN HISTORIC PRESERVATION
CERTIFIED LOCAL GOVERNMENT
GRANT MANUAL**

FOR

**REHABILITATION &
REHABILITATION PLANNING PROJECTS**

Fiscal Year 2005

This grant manual has been financed entirely with federal funds from the National Park Service, U.S. Department of the Interior. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior.

This program receives federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the Department of the Interior prohibits discrimination on the basis of race, color, national origin, or disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or you desire further information, please write to:

Office for Equal Opportunity
National Park Service
1849 C Street, N.W.
Washington, D.C. 20240

TABLE OF CONTENTS

Page

Introduction & Scoring Criteria.....	3
Chapter 1. Grant Application & Checklist.....	5
Chapter 2. General Conditions for Federal Funding	10
Chapter 3. Contract.....	13
Chapter 4. Covenant/Easement	14
Chapter 5. Project Sign.....	17
Chapter 6. Allowable and Unallowable Costs.....	18
Chapter 7. Procurement and Subcontracts.....	22
Chapter 8. Matching Share	26
Chapter 9. Completion/Reimbursement.....	27
Appendices:	
A. SHPO Fiscal Review Form and Project Scoring Criteria.....	30
B. Debarment Certification and Instructions.....	36
C. The Secretary of the Interior's Standards for Rehabilitation.....	38
D. Personnel Log	39
E. Request for Reimbursement Instructions and Form	40
F. Michigan Civil Rights Manual and Title VI and Section 504 Guidelines	42
G. Procurement and Subcontract Forms.....	57

INTRODUCTION

The National Historic Preservation Act of 1966 (Chapter 16, U.S. Code, section 470 et seq.) provides matching funds for projects designed to facilitate the preservation of historic resources significant in American history, architecture, archaeology, engineering and culture. In Michigan, the program is administered by the Department of History, Arts and Libraries pursuant to Public Act 271 of 1913, section 399.1 et seq. of the Michigan Compiled Laws. Federal law requires that 10 percent of the annual federal Historic Preservation Fund allocation provided to the State Historic Preservation Office (SHPO) to operate its programs be set aside for CLGs. Of the \$700,000 estimated to be allocated to the Michigan SHPO for fiscal year 2005, approximately \$70,000 will be sub-granted to CLGs. Awards range between \$5,000 and \$30,000 and are competitive. The awards have a 60/40 matching requirement and are paid on a reimbursement basis.

The purpose of the CLG grant program is to help local communities develop or strengthen their historic preservation program. CLG grants can be used to identify, register, rehabilitate, and protect resources that are listed in or eligible for listing in the National Register of Historic Places. The grants can also be used for preservation planning and education.

To become a CLG, a local unit of government must apply to the SHPO and be certified by the National Park Service. The local government must have in place a local historic district ordinance pursuant to *Michigan's Local Historic District Act*, Public Act 169 of 1970, as amended, and a historic district commission with binding design review authority before it can be certified. A full description of the CLG program and how to apply for certification is found in *The Certified Local Government Program in Michigan*. This manual can be requested from the SHPO or obtained from our website at www.michigan.gov/shpo.

WHO CAN APPLY

Only Michigan CLGs may apply for CLG grant funds. CLGs may sponsor projects for nonprofit organizations and public entities within their jurisdictions.

HOW TO APPLY

The historic preservation fund CLG grant manuals are available on the SHPO website at www.michigan.gov/shpo. Applications must be prepared according to the instructions in the grant manuals.

Completed applications must be postmarked no later than December 1, 2004. Send one original and one copy of the application to:

**Denise J. Sachau, Grants Manager
State Historic Preservation Office
Michigan Historical Center
PO Box 30740
702 West Kalamazoo Street
Lansing, Michigan 48909-8240**

You are encouraged to discuss your proposed project with SHPO staff. SHPO staff will also review draft applications and provide recommendations. If you would like your draft application reviewed, please send one copy of the proposed scope of work and the project budget. **Draft proposals must be mailed to the SHPO by November 12, 2004.**

GRANT AWARDS

As soon as the SHPO receives notification from the National Park Service of its annual Historic Preservation Fund award, we will notify applicants about the status of their applications.

If an application is selected for funding, the Department of History, Arts, and Libraries between the CLG and the SHPO execute a contract officially awarding the funds. Work must be under contract during fiscal year 2005 (October 1, 2004 to September 30, 2005) and must be completed by June 2006 unless a formal project extension is requested by the CLG and approved by the SHPO. **Work cannot begin before a contract between the SHPO and the local unit of government has been executed. Expenses incurred prior to the execution of a contract are not allowable costs.** Typically, contracts will be executed in the spring following the application deadline.

CLG grants are paid on a reimbursement basis and the CLG must have sufficient funds available to complete project work. After financial documentation has been approved, payment is processed for project costs up to 60 percent, not to exceed the federal funds reserved for the project.

GRANT REQUIREMENTS

Buildings must be individually listed in the National Register of Historic Places or be a contributing resource in a National Register listed district.

Plans and specifications must meet the *Secretary of the Interior's Standards for Rehabilitation* and must be submitted with the application. (The *Standards* can be found on the SHPO website at www.michigan.gov/shpo.)

A covenant (an easement of maintenance and public accessibility) must be executed to protect structures receiving federal assistance.

If interior work is included, the building must be owned by a public agency or a nonprofit organization and be open to the public a minimum of twelve days per year.

A sign acknowledging federal assistance must be put up at the project site when work begins and be maintained until work is complete.

Rehabilitation planning projects can include plans and specifications, feasibility studies, façade improvement plans, marketing studies, etc.

SCORING CRITERIA FOR REHABILITATION PLANNING AND REHABILITATION PROJECTS

SHPO staff will review and competitively score all applications. Each application will be reviewed using the Fiscal Review Checklist and scored with the appropriate Program Scoring Criteria. Final selections will be based on the highest scores as adjusted by administrative capability.

For FY 2005, projects undertaken in association with the following priority programs identified by the SHPO will receive more points: Michigan Main Street, Cool Cities Initiative, Michigan Land Use Leadership Council's final report *Michigan's Land, Michigan's Future*, or the retention/reuse of historic schools.

The scoring criteria sheets used by the SHPO are included in Appendix A for your information.

CHAPTER 1

GRANT APPLICATION & APPLICATION CHECKLIST

The applicant should consult the chapters on General Conditions, Allowable Costs, Matching Share, and Project Completion before completing the following information.

1. Project Name and Address

2. Project Coordinator Contact Information.

This is primary contact for the project who has complete knowledge of the progress of the project work.

- Name and title
- Address
- Telephone number
- Fax number
- Email address

3. Grant Recipient Contact Information.

Indicate if recipient is a local unit of government, a quasi-public or private organization, or an individual. If the recipient is a nonprofit organization, please submit a copy of the governing body's articles of incorporation and bylaws.

- Name
- Address
- Telephone number
- Fax number
- Email address

4. Property Owner Contact Information.

- Name
- Address
- Telephone number

5. Congressional Districts.

List the districts the property is located in and/or that will be impacted by the project. Include:

- U.S. congressional district(s),
- State senate district(s)
- State house district(s)

6. Federal ID Number.

Name and federal identification number for agency that will be paid the grant funds.

7. Deed and Ownership Information.

Submit a copy of the deed and

- For nonprofit owned structures, a title commitment
- For publicly owned structures, a legal opinion from the local unit of government attorney, a covenant guaranteeing maintenance and public accessibility must be recorded with the deed prior to the disbursement of any federal funds. (See Chapter 4)

8. Federal Request and Match.

The federal funding request may be up to 60 percent of the project budget. Indicate the total matching share in the following format:

- Donor organization (city, nonprofit, etc.)
- Source (private, city general fund, etc.)
- Kind (cash, in-kind, volunteer)
- Amount

9. Budget.

The budget should be detailed and describe the work to be done and include all estimated costs. The following list of commonly used categories or major work elements are derived from the uniform construction index and must be used when preparing the budget:

- **General Conditions** (start-up costs, scaffolding, and project sign)
- **Site work** (subsurface investigation, demolition, drainage, and underpinning)
- **Concrete** (poured-in-place concrete, pre-cast concrete, concrete restoration, and cleaning)
- **Masonry** (mortar, unit masonry, stone, masonry restoration and cleaning)
- **Metals** (structural metal framing, metal finishes, and restoration)
- **Wood and Plastics** (rough carpentry, finish carpentry, architectural woodwork, millwork)

- **Thermal and Moisture Protection** (waterproofing, dampproofing, insulation, roofing, flashings)
- **Doors and Windows** (doors and frames, entrances and storefronts, window repair and restoration, window replacement, hardware)
- **Finishes** (lath and plaster, gypsum wallboard, ceramic tile, wood, brick, and stone flooring, painting)
- **Specialties** (fire extinguishers and cabinets)
- **Special Construction** (solar and wind energy systems)
- **Conveying Systems** (elevators)
- **Mechanical** (plumbing, fire protection, heating, cooling, air distribution)
- **Electrical** (service and distribution, lighting)
- **Ineligible Work.** The following work has been determined by the U.S. Department of the Interior to be ineligible: Development project for church-owned properties; total reconstruction; specific features may be eligible for funding provided historical documentation is provided; landscaping in relation to site improvements for parking lots, sidewalks, etc.

10. Match Certification. Provide proof of the availability and source of the match through a certification from an appropriate organization or official. This can be a statement included in a resolution from city council, a bank statement signed by an appropriate official, or a letter from a financial institution indicating that the appropriate amount of funds are available. (See Chapter 8)

11. Work Schedule. Grant contracts will be executed by the Department of History, Arts, and Libraries in the spring. Work cannot begin until the contract is executed. A work schedule for a rehabilitation project may include dates for items such as:

- Submission of plans and specifications for approval (if not submitted with grant application)
- Submission of RFP and advertisement to SHPO for review
- Advertisement of work
- Bid opening
- Submission of bids to SHPO
- Submission of First Quarterly Progress Report
- Submission of contract to SHPO for review
- Execution of construction contract
- Submission of Second Quarterly Progress Report
- Submission of estimated first fiscal year expenditures
- Submission of Third Quarterly Progress Report
- Submission of Fourth Quarterly Progress Report
- Completion of construction work
- Final inspection site visit by SHPO
- Execution of easement
- Submission of financial documentation
- Submission of completion report
- Any other dates necessary to keep the project on schedule

12. Eligibility. Provide proof that the resource is individually listed in the National Register of Historic Places, a contributing resource in a National Register listed district, or is a National Historic Landmark.

13. Condition/Use. This section coincides with the scoring sheets and provides the opportunity to explain how this project will benefit the resource and the community and how the project connects with other community revitalization or economic development initiatives, planning efforts, etc. Some items to address include:

- Is the resource threatened by damage or destruction? If yes, please describe. Is this threat imminent (1-2 years, 3-4 years)? How will the project stabilize and/or enable continued use of the resource?
- What are the present and planned uses for the resource? Are they compatible with the resource?
- Document how the project is being undertaken with priority programs identified by the SHPO such as Michigan Main Street, Cool Cities, Michigan Land Use Leadership Council's final report, or retention/reuse of historic neighborhood schools.
- Does the project address themes and/or resources identified as threatened or under-documented in the state preservation plan *Preservation Shore to Shore*: agriculture, archaeology, education, depression era, post-WWII, landscapes, and recreation/entertainment.
- Explain how this project meets an important community need.

14. Historic District Commission Support Letter. Certified Local Government grant applications must include a letter from the historic district commission supporting the application.

15. Federal Fund Administration. Provide a brief description of the experience your organization has in administering federal funds.

16. Financial Certification. Include a certification from your financial manager that your organization has an adequate accounting system in place with appropriate internal controls to assure accuracy and reliability of accounting data and to encourage compliance with management standards set out in A-102 for local units of governments, A-110 for nonprofit institutions, or A-21 for educational institutions. The financial management system shall:

- Provide accurate, current and complete disclosure of the financial results of each grant.
- Provide records that identify the source and application of funds for grant supported activities.
- Provide for effective control of all grant assets.
- Compare actual and budget amounts for the grant.
- Establish procedures for determining reasonableness, allowability, and allocability of costs in accordance with the provisions of the applicable cost principles and the terms of the grant contract.
- Support accounting records by source documentation such as canceled checks, paid bills, payrolls, contract documents, etc. Separate project records must be established and identified by the grant name and number.
- Follow a systematic method to assure timely and appropriate resolution of audit findings. Recipients shall comply with federal Circular A-133 Audits of States, Local Government and nonprofit organizations.

17. Resolution and By Laws of Governing Body. Include a resolution authorizing acceptance of the grant under the conditions attached thereto, and designating all authorized contract signatories. *The resolution must include the name(s) of the individuals authorized to sign the contract, any contract amendments, and any contract related documents which might be necessary. For rehabilitation projects, the resolution must also authorize the designated individuals to also sign the required easement.*

- When a CLG sponsors a project for a third party, a resolution authorizing individuals to sign the contract must also be provided by the third party. Non-governmental agencies must submit copies of articles of incorporation, by-laws and/or other documents, which demonstrate who has the authority to execute a contract.
- The property owner also must provide authorization for execution of the easement. If the property owner is the third party, its resolution should include the easement authorization.

Example of a resolution for a local unit of government:

I, _____, the duly qualified and acting Clerk of _____, do hereby certify that the following resolution was adopted at a meeting of the (governing body) held on _____; is on file; has not been amended, altered or revoked; and is in full force and effect.

RESOLVED:

That the (title) is authorized and directed to file an application for (amount) for (name of project) and that upon approval of the final application by the Department of History, Arts and Libraries, the (title) shall be authorized to sign the grant contract, any necessary amendments to the grant contract, other contract related document, and the required covenant/easement.

SEAL

Signature of Clerk _____

18. Civil Rights Compliance & EOO. Complete the appropriate Civil Rights Compliance forms included as an appendix to this manual. If it is determined that the applicant is not in compliance with equal opportunity standards as established by the Michigan Department of Civil Rights, the application will be rejected.

- 19. Certification Debarment.** The Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion must be signed and dated by the authorized contract signatory or another appropriate individual and returned with the application (Appendix E)
- 20. Tax Incentive Certification.** Complete a certification that states neither federal nor state historic preservation tax incentives have been or will be taken for the work proposed under this application.
- 21. Plans and Specifications.** Plans and specifications must be submitted with the application, meet *the Secretary of the Interior's Standards for Rehabilitation* (Appendix B), and be approved by the SHPO. Once approved, the plans and specifications become part of the contract to accomplish the grant work.
- 22. Photographs.** To document the condition of the resource before work is undertaken include **two sets** of the following photography requirements:
- Two different exterior views of the resource in 8" X 10" black and white glossy photographs
 - Detail views of all proposed project work areas in 5" X 7" or larger black and white glossy photographs or 35mm color slides
- 23. Flood Plain Certification.** Indicate whether the project is within a federally designated flood area, and if so, attach a copy of flood insurance policy cover page or other proof of insurance.
- 24. Signatures.** Have all authorized signatories sign the application; also type their names, titles, addresses (including city or town, state, and zip code), and telephone numbers.

NOTE: Failure to submit a timely application or failure to provide all information requested above may result in your application not being scored.

CLG HISTORIC PRESERVATION GRANT APPLICATION CHECKLIST

Application must be postmarked no later than December 1, 2004 for FY 2005 grant cycle.

<input type="checkbox"/>	Project Name and Address
<input type="checkbox"/>	Project Coordinator Contact Information
<input type="checkbox"/>	Grant Recipient Contact Information
<input type="checkbox"/>	Property Owner Contact Information
<input type="checkbox"/>	U.S. Congressional, State Senate, & State House District(s)
<input type="checkbox"/>	Federal Identification Number
<input type="checkbox"/>	Deed and Ownership Information
<input type="checkbox"/>	Federal Funding Request and Match
<input type="checkbox"/>	Budget
<input type="checkbox"/>	Match Certification
<input type="checkbox"/>	Work Schedule
<input type="checkbox"/>	Eligibility
<input type="checkbox"/>	Condition/Use
<input type="checkbox"/>	Historic District Commission Support Letter
<input type="checkbox"/>	Federal Fund Administration
<input type="checkbox"/>	Financial Certification
<input type="checkbox"/>	Resolution and Bylaws of Governing Body
<input type="checkbox"/>	Civil Rights Compliance & EOO
<input type="checkbox"/>	Debarment Certification
<input type="checkbox"/>	Tax Incentives Certification
<input type="checkbox"/>	Plans and Specifications
<input type="checkbox"/>	Photographs – TWO OF EACH
<input type="checkbox"/>	Flood Plain Certification
<input type="checkbox"/>	Signatures

CHAPTER 2

GENERAL CONDITIONS FOR FEDERAL FUNDING

Below are general conditions that apply to the receipt of federal funds. These and all other applicable requirements, laws and regulations are addressed or referenced in the grant contract that will be executed between the local unit of government and the Department of History, Arts and Libraries.

PROJECT PERIOD

Project costs must be incurred between the period the contract is executed (signed and dated by the Department of History, Arts and Libraries) and the end date of the contract. Costs that are incurred prior to the execution of the contract or after the end date are not allowable project costs and will not be used as part of the federal or the matching share.

PROJECT SCOPE

The scope of the project work is defined in the contract. **The grant recipient shall notify the SHPO in writing if a change in the scope of the work is necessary.** Most changes will require a formal amendment. Some may be of a technical in nature that does not require a formal contract amendment while others may require federal approval. It is imperative to notify the SHPO immediately of any proposed changes to the scope of work so that federal funds are not jeopardized or delayed.

PROJECT BUDGET

The subgrantee must notify the Department of History, Arts and Libraries of any major changes in the budget prior to implementing the change.

QUARTERLY PROGRESS REPORTS AND FISCAL YEAR END REPORTING REQUIREMENTS

Fifteen days following the end of the quarter (January 15, April 15, July 15 and October 15), the subgrantee will submit a quarterly progress report describing the project work completed to date, any deviations from the approved performance schedule, budget and scope of work for the project, as well as an accounting of the projects costs, as compared to the approved budget. The October 15 report is used to meet end of fiscal year expenditure reporting requirements to the state and federal government.

PROJECT EXTENSIONS

If, during the course of the project, the grant recipient believes the contract end date cannot be met, a written request for an extension must be submitted to the SHPO prior to the contract end date. This request must state the reason the extension is necessary. Approval of an extension will be dependent upon federal deadlines and other considerations and is not automatic. Note that project extensions may need to be approved by the Department of the Interior. Subgrantees should notify the SHPO as soon as they become aware that a contract extension may be necessary. Contract end dates are extended through a letter signed by the Department of History, Arts and Libraries deputy director.

METHOD OF PAYMENT

All grant funds are paid on a reimbursement basis only. Documentation of all expenditures (federal and local matching share) shall be submitted to and audited by the SHPO. Department of the Interior guidelines require that reports be filed for costs within each fiscal year.

COMPLETION MATERIAL/REPORT

The completion materials or report will be specified in the contract. Review this section of the contract carefully. Completion materials for development projects include photographs of the project sign, work in progress, completed work and a written description of the project's accomplishments.

ACKNOWLEDGMENT OF FUNDING AND NON-DISCRIMINATION

In all publications, reports, and newsletters, funding through the National Park Service and the Department of History, Arts and Libraries shall be acknowledged. The acknowledgment to be used is included in the contract.

AUDIT

Financial documentation must be submitted before reimbursement can be made to the grant recipient. In addition, federal Circular A-133 requires that local units of government, nonprofits, and educational institutions receiving \$300,000 or more in federal funds have an audit completed annually. A copy of the audit, which covers the project period, must be submitted to the SHPO within nine months after the close of the fiscal year in which payments were made. If federal funds from a project are questioned during audit, the grant recipients are liable for payback to the Department of the Interior.

LOBBYING WITH APPROPRIATED FUNDS

Historic Preservation Fund CLG grants must conform to provisions of 18 USC 1913: "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or its Departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business." In summary, costs associated with activities to influence legislation pending before the Congress, commonly referred to as lobbying, are unallowable as charges to federally assisted grants.

HATCH ACT

No officer or employee whose principal employment is connected with any activity which is financed in whole or in part with grant assistance shall take part in any of the political activity proscribed in the Hatch Political Activity Act, 5 USC 1501 et seq., as amended, with its stated exceptions.

POLITICAL ACTIVITIES

No expenditure of grant funds may be made for the use of equipment or premises for political purposes, sponsoring or conducting candidates' meeting(s), engaging in voter registration activity or voter transportation activity, or other partisan political activities.

DISCLOSURE OF INFORMATION

Financial records, supporting documents, statistical records, and all other records pertinent to a grant provided by NPS are subject to disclosure to others under the federal Freedom of Information Act, 5 USC 552. They are also available to the public under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq.

SAFETY PRECAUTIONS

The State of Michigan assumes no responsibility with respect to accidents, illnesses, or claims arising out of any work performed under a grant-supported project. The grantee is expected to take necessary steps to insure itself and its personnel and to comply with the applicable local, state, or federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970 (see 20 CFR 1910).

CONFLICT OF INTEREST

A conflict of interest in the selection, award, or administration of contracts is prohibited. A grant recipient shall not enter into any contract for the performance of project work whereby any current or former employee, officer, or agent of the federal government, the state or the grant recipient, who has or had authorization to plan, develop, negotiate, accept, approve, or take part in decisions regarding subcontracts, or other agreement in connection with the particular project grant, has a financial or other interest in the recipient selected for the award. This prohibition is also effective if any member of the immediate family of such employee, officer, or agent; his or her partner; or any organization, which employs, or is about to employ, any of the aforementioned, has a financial or other interest in the firm selected for the award. All subcontracts awarded pursuant to a grant must be accomplished free from bribery, graft, kickbacks, and other corrupt practices. Employees, officers, and agents of the grant recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts.

The grant recipient bears the primary responsibility for the prevention and detection of prohibited conduct and shall promptly notify the grants manager/budget analyst of the Department of History, Arts and Libraries when such conduct becomes known. Federal and state administrative or other legally available remedies will be pursued to the extent appropriate. A grant recipient shall take appropriate remedial action with respect to the prohibited conduct brought to its attention.

CIVIL RIGHTS LAWS

As mandated under Title VI of the 1964 Civil Rights Act and in Executive Directive 1979-4, it is the policy of the State of Michigan to assure that all Michigan citizens receive full and equal access to benefits provided by state supported programs and services without discrimination based upon race, color, creed, religion, national origin, height, weight, marital status, age, sex, or handicap.

It is appropriate that the Department of History, Arts and Libraries, in fulfilling that policy, ensure compliance with the non-discrimination laws in connection with the use of grant funds. In furtherance of this policy, it is likewise appropriate that the Department of History, Arts and Libraries not enter into any contract, nor fund or serve as a conduit for funding, programs, which may have the effect of creating or perpetrating patterns of discriminatory practice. All grant recipients shall file affidavits pledging a reasonable representation of minority group representatives, and women, in all levels of their work force and that there exists equal opportunity to participate in and enjoy the benefits of programs and activities without regard to race, color, creed, religion, national origin, height, weight, marital status, age, sex, or handicap.

Subgrantees with grants of \$25,000 or more or employing twenty- five persons or more are also required to furnish a written Equal Opportunity Plan.

Forms and instructions for demonstrating Civil Rights Compliance that must accompany the application are part of this manual. If it is determined that the applicant is not in compliance with equal opportunity standards as established by the Michigan Department of Civil Rights, the application will be rejected.

BARRIER FREE ACCESS

The Department of the Interior's Historic Preservation grant program, administered by the Department of History, Arts and Libraries, requires compliance with state and federal laws, including the Americans with Disabilities Act (ADA), concerning barrier free designs which facilitate access to grant assisted properties by persons with disabilities. The Department of History, Arts and Libraries strongly urges each applicant and other individuals contemplating rehabilitations of historic structures to consider the implications of such compliance at the earliest possible stage. It should be kept in mind that not all preservation work involving extant buildings or structures will trigger the need to meet the barrier free design requirements.

Should a determination be made that barrier free design requirements are applicable, the Michigan Barrier Free Design Board is empowered to grant an exemption to the Michigan requirements when an applicant sufficiently shows that:

- 1) the proposed repairs, alterations or additions are to be performed on a building or structure listed on or eligible for listing on the National Register of Historic Places or the State Register of Historic Sites; and that
- 2) adherence to the barrier free design provisions would destroy or diminish a significant feature of the building's or structure's historical character or physical integrity, or both. The applicant will make this showing at an administrative hearing conducted in Lansing by a hearings officer for the Design Board.

The governmental entity having primary administration and enforcement authority over the barrier free design requirements can range from a city building official to various state agencies depending on where the building or structure is located and the type of function for which it is used. If you are unable to determine locally which entity you should be dealing with, you may contact the Department of Labor and Economic Growth, Bureau of Construction Codes, Barrier Free Design Division at (517) 322-1191 or Building Division at (517) 322-1705.

COASTAL ZONE MANAGEMENT

Zone Management Act of 1972 prohibits federal assistance to local governments for projects that are inconsistent with the requirements of an approved coastal zone management plan. Further information may be obtained from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, Department of Commerce, 1305 East-West Highway, Silver Spring, MD 20910.

DUAL COMPENSATION

If a grant recipient staff member or consultant is involved simultaneously in two or more projects supported by federal funds, and compensation on either project is based upon a percentage of time spent, he or she may not be compensated for more than 100 percent of his/her time from any federal funds during the time of the period of dual involvement.

RECORD ACCESSIBILITY AND RETENTION

Grant recipients will submit program, financial or other reports as are required by the Department of History, Arts and Libraries or the National Park Service. Onsite inspections by the Department of History, Arts and Libraries or the National Park Service will be permitted as required to provide necessary information relevant to compliance with grant terms and conditions, such as compliance with federal preservation standards.

Documentation, papers and records of the grant recipient and any subcontractor shall be kept for a minimum of three years after federal funds have been reimbursed to the grant recipient or until all claims or audit findings have been resolved.

CHAPTER 3

CONTRACT

A GRANT RECIPIENT WILL NOT BE REIMBURSED FOR ANY WORK PERFORMED BEFORE THE CONTRACT IS EXECUTED. The grant is formally awarded after the contract has been signed by an authorized representative of the grant recipient and is signed and dated by the deputy director, Department of History, Arts and Libraries.

The contract written by the Department of History, Arts and Libraries will specify:

- 1) Exact work to be accomplished with the grant award;
- 2) Method of and requirements for disbursement of funds, including any provisions authorizing partial reimbursement prior to the completion of all project work. Partial reimbursement is strongly discouraged by the Department of History, Arts and Libraries. If the grant recipient needs to negotiate for partial payments because of cash flow problems, the amount and number of payments shall be agreed to by the Department of History, Arts and Libraries during the application process and specified in the contract;
- 3) Period for completion of the project;
- 4) Federal and state statutes, regulations, and requirements which must be followed;
- 5) Number and content of the completion report and/or materials.

Attachments to the contract include:

- 1) Performance schedule detailing when various tasks will be completed.
- 2) The project notification containing the approved budget.
- 3) Plans and specifications.

The procedures for signing the contract are:

- 1) Copies of the contract will be mailed to the project coordinator.
- 2) The authorized individual(s) should sign all copies.
- 3) All copies should be returned to the grants manager/budget analyst, State Historic Preservation Office, Department of History, Arts and Libraries.
- 4) The contracts will be signed and dated by the deputy director, Department of History, Arts and Libraries.
- 5) One copy of the executed contract will be returned to the project coordinator.
- 6) After the deputy director of the Department of History, Arts and Libraries has signed the contract, work may begin. No subcontracts should be executed until the contract with the Department of History, Arts and Libraries has been executed.

MAKE COPIES OF THE CONTRACT AVAILABLE TO PROJECT STAFF AND TO CONSULTANTS TO ENSURE THAT WORK MEETS THE CONTRACTUAL REQUIREMENTS.

CHAPTER 4

COVENANT/EASEMENT

For rehabilitation projects, a covenant (an easement of maintenance and public accessibility) must be executed to protect structures receiving federal assistance. The Department of History, Arts and Libraries will prepare the covenant. The subgrantee must execute the easement, record the covenant with the register of deeds and return one original to the grants manger/budget analyst before federal funds can be released to the subgrantee.

Cities must submit a legal opinion from the local unit of government attorney regarding ownership of the grant-assisted property. Nonprofit organizations must submit a title commitment. It is the obligation of the property owner to advise the Department of History, Arts and Libraries about any entity that may have an interest in the property. Present owner(s) and successor(s) will be bound by the covenant.

The length of a covenant to maintain and administer the property for the public's benefit varies depending on the amount of the grant:

- up to \$10,000 -- 5 year letter of agreement (not recorded);
- \$10,001-\$25,000 -- 5 year covenant;
- \$25,001-\$50,000 -- 10 year covenant;
- \$50,001-\$100,000 -- 15 year covenant;
- \$100,001 and over -- 20 year covenant.

The covenant will include, but is not limited to, the following provisions:

- 1) The property must be maintained in such a way as to ensure its historical and architectural integrity.
- 2) No major visual or structural changes may be made without the written approval of the Department of History, Arts and Libraries.
- 3) The grounds must be maintained in keeping with the historical integrity of the property.
- 4) Equal opportunity standards regarding race, color, religion, national origin, age, or sex in relation to any program or activity directly or indirectly related to the structure must be adhered to.
- 5) Public access for twelve days a year to the exterior is required where funds are used for exterior work, and to the interior where funds are used for interior work.

The procedures for executing the covenant are as follows:

- 1) A resolution authorizing execution of a covenant and naming the designated signatory of the covenant must be provided.
- 2) The covenant is prepared by the Department of History, Arts and Libraries.
- 3) The covenant is approved by the Department of Attorney General.
- 4) The covenant must be signed by the authorized individual(s) before a notary public.
- 5) The authorized individual(s) who have signed acknowledge signing before a notary public for the purpose of acknowledging the signing. The witnesses need not appear before the notary.
- 6) The notary public before whom the authorized individual(s) appear must execute a Certificate of Acknowledgment.
- 7) The covenant must be recorded at the register of deeds for the county in which the property is located. For nonprofit organizations, there will be a fee for recording at the register's office. The subgrantee must pay this fee. The original covenant will be numbered and stamped by the register of deeds. The stamp reflects the date and time of recording. The covenant will be copied and placed with the deed and other documents of record concerning the property.
- 8) After recording, the original covenant must be returned to the Department of History, Arts and Libraries. State law requires that the original covenant must be permanently filed with the Michigan Department of State. Copies for your use should be made prior to returning the original to the SHPO.

CHAPTER 5

PROJECT SIGN

A sign at the project site acknowledging federal assistance shall be put up when work begins and be maintained until work is complete. **The sign must be clearly readable from the public right of way.**

The sign shall be obtained and installed by the grant recipient. The cost of the sign is an allowable project expense. The sign must read:

HISTORIC PRESERVATION CLG GRANT FUND PROJECT

This rehabilitation of (name of property), which is listed in the National Register of Historic Places, has been funded with the assistance of a matching grant-in-aid from the United States Department of the Interior, National Park Service, under the provisions of the National Historic Preservation Act of 1966. This grant-in-aid has been awarded by and is administered through Michigan's Department of History, Arts and Libraries.

One copy of a photograph of the sign must be submitted to the Department of History, Arts and Libraries prior to project completion.

CHAPTER 6

ALLOWABLE AND UNALLOWABLE COSTS

GENERAL

The principles governing which direct costs are allowable are determined in accordance with federal Management and Budget Circular A-87 and A-102, and the National Park Service's Grant Manual. The following factors affect the allowability of costs.

- 1) The cost item must be necessary for proper and efficient conduct of grant supported activities; be reasonable and within the scope of approved work; be allowable under these principles; and, except as otherwise specified in this manual, not be a general expense required to carry out the overall responsibilities of state or local governments.
- 2) The cost item must be authorized or not prohibited under state or local laws or regulations.
- 3) The cost item must conform to any limitations or exclusions set forth in these cost principles, federal laws, this manual, or other limitations included in the grant award as to types or amounts of cost items.
- 4) The cost items must be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of government or organization of which the grantee is a part.
- 5) The cost item must be accorded consistent treatment through application of generally accepted accounting principles and practices appropriate to the particular circumstances.
- 6) The cost item must not be allocable to, or included as, a cost of any other federally financed program in either the current or a prior period.
- 7) The cost item must be net of all applicable credits.
- 8) The cost must be incurred after the execution and before the end date of the contract with the Department of History, Arts and Libraries. Costs for grants, which cross federal fiscal years, must be claimed at the appropriate time for each fiscal year. Costs from the previous fiscal year will not be allowable as part of the second fiscal year costs.

ALLOWABLE COSTS

The SHPO will review and may make changes in the budget line items in the application as submitted. The final budget approved by the SHPO will become an attachment to the contract. Following are some examples of allowable project costs:

PAID STAFF TIME AND IN-KIND SERVICES

Compensation for project personnel during the project period including wages, salaries, and supplementary compensation and benefits are allowable costs. Payrolls must be supported by daily time and attendance records that shall indicate the time worked and the work performed, and be signed by the employee and supervisor. See the sample time sheet at the end of this manual. Time in excess of a regular working day is not allowable. It is recommended that time sheets be handwritten, rather than typed.

FRINGE BENEFITS

Fringe benefits for paid or in-kind employees in the form of employer's contributions to social security, life and health insurance plans, unemployment insurance coverage, worker's compensation plans, and pension plans are allowable, provided costs are distributed equitably to grant costs and other activities.

VOLUNTEER OR DONATED TIME

Donated service represents the value of non-cash contributions provided by the local sponsor or non-federal third parties. If donated services are part of the match, the application must include a certification from the volunteer justifying the proposed rate and stating the number of hours to be donated. In addition, a resume for each volunteer shall be submitted. The Department of History, Arts and Libraries must approve proposed rates for volunteers.

A professional is defined as a person who does the work in question for a living and should be assigned a professional rate. A person not meeting this standard must be considered a non-professional and should be assigned the minimum wage as an allowable rate. You would not expect to pay a neighbor for helping paint a house at the same rate that you would a professional painter. Likewise a physician may not use his standard charge if he is working as a surveyor. A person's qualifications must be considered along with the tasks in assigning a rate to that work.

Rates assigned for donated services must be consistent with those paid at the state level or, if such services are not provided at the state level, consistent with rates that would be paid if the services were purchased in the labor market. Donated time from individuals or groups other than the grant recipient shall be exclusive of fringe benefits. The time donated will be documented when project work begins by use of time sheets as in the Appendix.

INDIRECT COSTS

Because of limited funding for this program, indirect costs may not exceed 20%. To claim indirect costs, you must have a negotiated indirect cost rate. Enclose a copy of the most recent approved Indirect Cost Rate Agreement signed by the cognizant federal approving agency. If your rate is above the limit, you may still apply, but only the 20 percent indirect cost rate will be allowable.

PROFESSIONAL/CONSULTANT FEES

The grant recipient may subcontract all or part of the project work. Free and open competition must be maintained. The Department of History, Arts and Libraries must receive documentation of the procurement at each stage and must approve the subcontractor and the subcontract. The following shall be submitted to the Department of History, Arts and Libraries, and each step must be approved, before the grant recipient proceeds further:

- 1) Copy of the specifications or request for proposals. The RFP shall identify all evaluation factors.
- 2) Documentation that bids were requested from at least three consultants and a copy of each proposal. Federal regulations require that all subcontractors certify that they have not been prohibited from participation in federal programs. Please require all bidders to complete and return the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion form with their proposals.
- 3) Documentation of the evaluation of the proposals. Grant recipients may develop their own systems for evaluating proposals as long as the award is made to the responsible offeror whose proposal will be most advantageous, price and other factors considered. Unsuccessful bidders should be notified promptly.
- 4) The SHPO must approve a consultant you wish to hire before a subcontract is executed.
- 5) A copy of the signed subcontract will be submitted to the SHPO at the time it is executed. This contract shall specify the project work and be priced at a set fee or a not-to-exceed figure and include a debarment certification form. Because the subcontract must include all work as outlined in the contract with the Department of History, Arts and Libraries and also references to laws, regulations, and guidelines which your organization must pass along to the subcontractor, it is recommended that the Department of History, Arts and Libraries contract be an attachment to the subcontract.

Possible proposal evaluation criteria:

1. Price (35%)
Favors the least expensive proposal providing an adequate work product
2. Capability and qualifications (35%)
Covers the ability of a prospective consultant to meet the terms of the RFP, especially the time constraints, and the quality and relevance of similar projects completed by the consultant. Emphasis will also be placed on the soundness of the consultant's approach to the problem, including the techniques to be used for collecting and analyzing data, as well as the ability to utilize the data collected or recovered from the project to address the research problems involved
3. Professionalism (30%)
Refers to the competence of professional personnel who will be assigned to the project by the consultant for both the administrative and infield components of the work. Qualifications of professional personnel will be measured by education and experience (36 CFR 61) with particular reference to experience on projects similar to that described in this RFP and familiarity with and experience in Michigan architecture, history and archaeology. Emphasis will be placed upon the qualifications of the project manager and the amount of dedicated management planned for this project by the consultant. It is the responsibility of the contractor to provide field personnel of sufficient qualifications and training to ensure proper collection of data. The project manager/principal investigator is responsible for the adequate performance of all project work.

Note: The SHPO can provide assistance in locating consultants who are qualified to perform project work.

SUPPLIES

The cost of supplies necessary to carry out the grant work is allowable. Purchases made specifically for the grant work shall be charged at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grant recipient. Withdrawals from general stores or stockrooms should be charged at cost under a recognized method of pricing consistently applied.

The grant recipient must perform a cost analysis for all purchased supplies. The following is suggested:

Value of Proposed Contract	Award Process Required
\$0 - \$500.00	Competition not required but encouraged
\$500 - \$4,999.99	Documentation of competitive pricing through phone, mail, personal shopping, fee schedules. Must use "Documentation of Contract Award" process. If a proposal with a work statement is required, "Small dollar" Request for Proposals (RFP) process must be used.
\$5,000.00 - or more	"Small Dollar" RFP process required, formal process optional.

TRAVEL

Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items for project personnel who are in travel status for project related work. Such costs may be charged on an actual basis or on a standard rate basis so long as the standard rate is consistent with state rates. When actual costs are used, documentation must be provided for each cost. All lodging costs must be substantiated with invoices. First class airfare is not allowable.

CONSTRUCTION COSTS

See the next chapter on bidding construction work.

PUBLICATIONS

Costs of publication may be allowable if the publication is defined in the application. The grant recipient must delineate how the publication relates to the Historic Preservation Program, how many copies will be printed, estimated cost per copy, and how the publication will be distributed. During the project period, all publications will be distributed free of charge. Any publication shall contain the acknowledgment of federal funding statement and the statement of non-discrimination.

UNALLOWABLE COSTS

Unallowable costs include but are not limited to:

- Bad Debts. Any losses arising from non-collectable accounts and other claims, and related collection costs, are unallowable.
- Equipment. The cost of equipment is not allowable.
- Fundraising. Expenses and costs of organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable.
- Interest and Other Financial Costs. Interest on borrowing is not allowable.
- Interpretive Expenses. Staff salaries for interpretive services or maintenance of interpretive devices are unallowable.
- Entertainment. Costs of amusements, social activities, and related incidental cost such as meals, beverages, lodgings, rentals, transportation, and gratuities are unallowable. Costs of meals for employees when they are not in travel status are not allowable.
- Markers. Historical markers are not an allowable cost.
- Work Study Students. Students in a federally funded work/study program cannot contribute donated services as matching share.
- Archaeological Salvage
- Entertainment
- Lobbying

CHAPTER 7

PROCUREMENT AND SUBCONTRACTS

CONSTRUCTION

All work over \$10,000 must be advertised for bids in one or more general circulation newspapers. The advertisement must be published at least three times, state that federal funds are involved, and that compliance with all applicable federal, state and local laws, rules, and regulations are required. The specifications should be written in such a way as to avoid restrictions that might unduly limit the number of bidders. Sufficient time should be given for contractors to prepare and submit bids, preferably 30 days. Positive efforts should be made to utilize small business and minority-owned business sources. If the project cost is over \$100,000 a bid guarantee is required from each bidder equivalent to 5% of the bid price.

Formally advertised procurements should use sealed bids, public openings of bids, and fixed-price type subcontracts. The subcontract must be awarded to the lowest bidder whose bid is responsive to the invitation.

Documentation of the bidding process shall be submitted to the Department of History, Arts and Libraries (HAL) when it has been completed. This process and the contract shall be approved by HAL. The necessary documentation includes:

- A copy of the advertisement.
- A description of the methods of publicizing the solicitation, including dates and places of publication or posting.
- Copies of responses received. These should include a debarment form.
- Method and justification for contractor selection.
- A signed copy of the bid tabulation sheet.
- A copy of the signed and dated subcontract.

When purchases are to be under \$10,000, or when professional/architectural or engineering services are being secured, three proposals must be solicited, and the award should be made to the responsible offer or the proposal that is most advantageous to the grantee. Documentation of the competition and a copy of the signed subcontract must be submitted to the SHPO as soon as the bid process is complete. Note that cost-plus subcontracts and unlimited time and materials contracts are not allowable.

1) All **construction** subcontracts must evidence:

- a) That work was accomplished in accordance with contract specifications.
- b) A provision for compliance with the Copeland "Anti-Kick Back" act (18 usc 874).
- c) Formal advertising, sealed bids, and public opening of bids; or that negotiation occurred only when no acceptable bids were received after formal advertising; or that other conditions existed which allowed negotiation in lieu of formal advertising in accordance with federal guidelines.
- d) That the terms of all negotiated contracts met contract specifications.
- e) Provisions or conditions that will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
- f) Requirement that contractors maintain all required records for three years after grant end date, or until any audit questions are resolved.

2) In addition, all subcontracts **over \$10,000** (aggregate) must include evidence of:

- a) A provision for termination and basis for settlement.
- b) A description of conditions under which the contract may be terminated due to default.
- c) A description of conditions for termination of the contract because of circumstances beyond the control of the contractor.
- d) A provision requiring compliance with Executive Order 11246, "Equal Employment Opportunity". (See federal

requirements at the end of this chapter).

- 3) In addition, all subcontracts **over \$100,000** must include evidence:
- a) That a bid guarantee (bid bond, certified check, or other negotiable instrument) for 5 percent of the bid price was obtained from the contractor.
 - b) That a performance bond for 100 percent of contract price was obtained from the contractor.
 - c) That a payment bond for 100 percent of contract price was obtained from the contractor.
 - d) Of a provision which requires compliance with section 306 of the Clean Air Act (42 USC 1847 (h)), section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15), which prohibit the use under non-exempt federal contracts, grants or loans of facilities included on the EPA list of violating facilities. The provision shall require reporting of violations to the Department of the Interior and to the US EPA assistant administrator for enforcement.

It is federal policy to award a fair share of contracts to small and minority business firms. Accordingly, affirmative steps must be taken to assure that small and minority businesses are utilized when possible as sources of supplies, equipment, construction, and services. Affirmative steps shall include the following:

1. Including qualified small and minority businesses on solicitation lists.
2. Assuring that small and minority businesses are solicited whenever they are potential sources.
3. When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum small and minority business participation.
4. Where the requirement permits, establishing delivery schedules that will encourage participation by small and minority business.
5. Using the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the U.S. Department of Commerce, and the Michigan Department of Labor and Economic Growth, Office of Business and Community Development, Box 30225, Lansing, MI 48909 (telephone 517-373-6378) as required.
6. If any subcontracts are to be let, requiring the prime contractor to take the affirmative steps in 1-5 above.

EQUAL OPPORTUNITY REQUIREMENTS FOR CONSTRUCTION CONTRACTS

The following federal requirements (Executive Order 11246) **apply to all construction contracts in excess of \$10,000** (federal and matching share):

GRANT RECIPIENT RESPONSIBILITIES:

- 1) For bidding documents include the following:

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (EEO), including goals that are to be inserted by contracting officer or applicant. Goals may be obtained from:

Office of Federal Contract Compliance Programs (OFCCP)
Assistant Regional Administrator
U.S. Department of Labor
New Federal Building, 16th Floor
230 S. Dearborn Street
Chicago, Illinois 60604
(312) 353-8887

- 2) For construction subcontracts over \$10,000 the following must be included in the contract:

- a) "Equal Opportunity Clause". (This may be included by reference. See Appendix F)
- b) "Standard Federal Equal Employment Opportunity Construction Contract Specification." (See Appendix F).
- c) "Certification of Non-Segregated Facilities" signed by prime contractor and subcontractor. (See Appendix F).
- d) Provide notice of contract awards subject to these provisions to the Director of OFCCP within 10 days after the award (notice shall include name, address and telephone number of contractor, employer identification number, dollar amount of contract, estimated starting and completion dates, contract number, and

geographical area in which the contract is to be performed). Notice should be sent to OFCCP's Regional Office.

- e) Cooperate with the Director of NPS and the Director of OFCCP in the implementation of the program.
- f) Ensure that EEO posters are displayed at federally assisted construction sites. Posters may be obtained from OFCCP.
- g) Ensure that contractors engaged in federally assisted construction contracts are providing data and reports to the appropriate OFCCP regional office as required or requested.
- h) Ensure that the provisions of the "Equal Opportunity Clause" are followed for construction contracts involving force account labor.
- i) Pursuant to Executive Order 11246, carry out sanctions and penalties imposed by the Secretary of Labor upon the federally assisted construction contractor or subcontractor, and refrain from entering into any contract, extension of a contract, or other modification of such a contract with a contractor debarred from government contracts under this order.

SUBCONTRACTOR RESPONSIBILITIES

- 1) Abide by the provisions of the "Equal Opportunity Clause", whether it applies to government construction contracts or to federally assisted construction contracts (Appendix F).
- 2) Abide by the provisions of the following:
 - a) "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity." (Appendix F)
 - b) "The Standard Federal Equal Employment Opportunity Construction Contract Specification." (Appendix F)
- 3) Ensure that personnel decisions are also in accordance with the following:
 - a) Uniform Guidelines on Employee Selection Procedures (see 41 CFR 60-3).
 - b) Sex Discrimination Guidelines (see 41 CFR 60-20).
 - c) Guidelines on Discrimination Because of Religion or National Origin (see 41 CFR 60-50).
- 4) Incorporate into all subcontracts the following:
 - a) "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity."
 - b) "The Standard Federal Equal Employment Opportunity Construction Contract Specification."
 - c) "The Equal Opportunity Clause."
- 5) Provide data and reports to OFCCP as required or requested including the following:
 - a) One-time notification within 10 days of all federal and non-federal construction projects in the designated geographic area, by agency, contract number, location, estimated dollar value, percent completed and project completion date.
 - b) Notifications of any subsequent federal or nonfederal construction work in the designated geographic area in excess of \$10,000.
 - c) Workforce Utilization Report to be filed monthly. (Form CC-257).
- 6) Maintain non-segregated facilities.
- 7) Include a signed "Certification of Non-Segregated Facilities" in contracts, and require subcontractors to include a signed "Certification of Non-Segregated Facilities." (Appendix F).
- 8) Expressly state in all employment solicitation or advertising that the contractor is an Equal Opportunity Employer.
- 9) Display Equal Opportunity Poster.
- 10) Allow OFCCP personnel access to site, records, and employees for purpose of determining the contractor's compliance status.
- 11) Refrain from entering into contracts with contractors debarred from federal contracts or federally assisted construction contracts by the Secretary of Labor.

The Construction Procurement Summary Sheet found in Appendix F may be used to ensure that all requirements have been met.

CHAPTER 8

MATCHING SHARE

The CLG grant program is a 60-40 match program. Certification of the availability of the match must be provided with the final application. Certification may be a statement from a banker that funds are available, a resolution from the city council setting aside specific funds, or similar verification. The certification should specify the amount and source of the funding, that the funds are earmarked for the project, and that the funds will not be used to match other federal funds. Donated time will be certified through a certification from the person donating his/her time that he/she will donate "X" hours at "X" rate.

The matching share must be approved by the SHPO prior to execution of a contract. SHPO staff will use the project budget to approve the matching share. Any changes to the project budget or to the proposed match must be approved in advance in writing by the SHPO. Matching funds may include the following:

- 1) Private Funds
- 2) Municipal Funds
- 3) State Funds
- 4) Federal Community Development Block Grant Funds. Note that provisions of the Davis-Bacon Act apply if CDBG funds are used as matching share.
- 5) In-Kind Services. The in-kind contributions of paid staff may be valued at the grant recipient's actual cost. Fringe benefits for in-kind salary costs are allowable. In-kind salary costs will be supported by daily time records that indicate the time worked, the work performed and be signed by the employee and the supervisor (a sample timesheet is included in this manual).
- 6) Donated Services. Donated services represent the value of non-cash contributions provided by non-federal third parties. If donated services are part of the match, the project sponsor shall provide documentation of the type, rate, and source of such services. Fringes may not be applied to donated services.
- 7) Rates assigned for donated services must be consistent with those paid in state government or, if services are not available in state government, the rates shall be consistent with those paid if the services were purchased in the labor market. In estimating donated match, a rate must be established at the time of application for each prospective individual donating his/her services. A resume for each worker must be included with the application if the rates charged are above the minimum wage rate. The time donated will be supported by daily time records, which indicate the time worked, the work performed and be signed by the employee and the supervisor (a sample timesheet is included in this manual).
- 8) Donated Equipment or Material. Equipment may be used as match if included in the final application. The use of donated equipment and material must be documented. The SHPO can provide sample forms. Donated services, equipment or material are not eligible for reimbursement as if they were cash expenditures. They may be used as match only.

CHAPTER 9

COMPLETION/REIMBURSEMENT

Funds will be disbursed to the grant recipient only on a reimbursement basis. Requests for reimbursement must include documentation of both federal and match portions of the grant. Reimbursement shall not exceed the amount of the grant award. No advances shall be made under any circumstances. Partial reimbursements are strongly discouraged by the Department of History, Arts and Libraries but may be made under exceptional circumstances if specifically provided for in the contract awarding the grant. Contracts will not be amended to provide for partial payments. Please also refer to the chapter on allowable and unallowable costs.

Project coordinators who are part of large institutions should assure that the appropriate personnel are advised of documentation requirements at the beginning of the project work.

EXPENDITURE DOCUMENTATION

All documents and supporting entries on the accounting records must be available for inspection by authorized representatives of the U.S. Department of the Interior and the Department of History, Arts and Libraries. All such records must be retained for inspection for three years after the federal reimbursement has been received or until all claims or audit findings have been resolved. Grant projects that cross the September 30/October 1 fiscal year ending will be required to submit the following by October 15:

1. A progress report on work accomplished and any completed products.
2. A summary of all expenditures through September 30 by cost category and by federal and matching share.
3. Copies of invoices, time sheets, and **canceled** checks.
4. All bidding documents for subcontractors must have been approved and a signed copy of the contract with the subcontractor submitted.

At the end date of the contract, the grant recipient shall submit to the SHPO the following:

1. Copies of the completion report (as described below).
2. A Request for Reimbursement form (see appendix).
3. Copies of all invoices, time sheets and **canceled** checks (see below).

A special project account should be established for each project for auditing purposes. The account should be opened as a single purpose checking account or, in governmental sub-units, through a separate cost account. Copies of canceled checks, time sheets, vouchers, and similar documents shall be used to substantiate expenses. Please group each set of documentation, matching the checks with their corresponding invoices. Attach a summary to each set of documentation itemizing the material such as:

Description	Amount
Labor	
Sarah Smith, 200 hours @ \$10 per hour	\$2,000
Supplies	
Best Photo (film) 10 rolls @ \$5 per roll	\$50
Tom's Photo (processing) 10 rolls @ \$10 per roll	\$100
Total	\$2,150

SALARIES AND WAGES

PAID

A grant recipient shall submit proof of expenditures (canceled checks) for salaries and wages. This will include in-kind services. Time spent on the project must be documented by time sheets, and the time sheets must be approved by the project coordinator.

DONATED

Donated time spent on the project must be logged by means of time sheets. Time sheets must indicate work performed and the days and hours worked, and must be signed by the employee and the project director.

All donated time to be used toward reimbursement must have been approved in the final application. Any pay rate more than minimum rate must be justified in the final application. Fringe benefits or indirect costs cannot be computed on donated time.

SUPPLIES

PAID

Itemized invoices must be submitted and supported by copies of canceled checks. If a printout is used, it must be itemized so that all costs can be tracked. Invoices and canceled checks to consultants must be submitted. Cash purchases must be supported by invoices. If invoices are not attainable, itemized purchase orders or check requests from your agency must be submitted. The supporting purchase order or check request must describe each item and its price.

The grant recipient must perform a cost analysis for all purchased supplies.

DONATED

Donated equipment and supplies must be listed separately. There must be a letter from the donor (not the grant recipient). This letter shall describe the type of material donated, source of material, rate charged, and a statement on how the value was assigned. All donated supplies or equipment to be used toward reimbursement must have been approved with the final application. Forms for verifying donation may be obtained from the SHPO.

TRAVEL

Documentation of travel expenses must be maintained throughout the project. The documentation shall include name of employee, dates of travel, amount of travel, expenses incurred, nature of travel and canceled checks as proof of payment for travel.

If standardized travel rates are used, these should be consistent with the standard state travel rates for mileage, meals and lodging. A paid bill must support lodging charges. Travel charges may only be charged to a project if a project representative is in travel status. Gasoline receipts shall be provided if gasoline costs are to be charged to the grant. Gasoline costs cannot be charged in addition to mileage for the same trip.

INDIRECT COST

An indirect cost rate approval letter from your primary federal funding agency must be submitted. For universities using both off-campus and on-campus rates, the use of these rates must be explained, and the costs to which they apply must be specified.

DEVELOPMENT PROJECT COMPLETION REPORT

The grant recipient should consult his contract to determine what is needed for the completion report. Usually the recipient shall submit to the Department of History, Arts and Libraries copies of a project completion report, including two sets of photographs of professional quality, which includes at a minimum the following:

1. National Register title and address of the grant assisted property
2. Project number
3. Name and address of subgrantee
4. Names and titles of project supervisors and consultants
5. Total project cost
6. Federal share
7. Donor, source, kind and amount of other federal or non-federal funds.
8. Final work cost breakdown by major work categories.
9. Any reports from consultants and any test results.
10. An evaluation of the project work.
11. Two copies of at least one 35 mm color slide or black and white 5x7 photograph of the before appearance and at least one of the after appearance. Slides and photographs shall duplicate views as closely as possible.
12. Two copies of at least one 35 mm color slide or black and white 5x7 photograph showing the project work in process.
13. Two copies of at least one 35 mm color slide or black and white 5x7 photograph of the project sign.

FISCAL REVIEW CHECKLIST

Applicant Name: _____

Project Name: _____

Project Description: _____

Amount Requested	\$	Match Amount	\$
			Project Amount \$
<input type="checkbox"/>	The applicant is a certified local government in good standing with the SHPO office.		
The proposed project is in the following program area(s):			
<input type="checkbox"/>	Education	<input type="checkbox"/>	Survey
<input type="checkbox"/>	Nomination	<input type="checkbox"/>	Planning
<input type="checkbox"/>	Rehabilitation		
<input type="checkbox"/>	The property is listed in the NR or NR eligible.		
The proposed project work is to be completed by:			
<input type="checkbox"/>	Directly by CLG		
<input type="checkbox"/>	Third party sponsored by CLG		
<input type="checkbox"/>	The congressional district is provided and appears to be correct.		
<input type="checkbox"/>	The federal identification number for the agency that will be paid the funds is provided.		
The application does not request funds for the following types of ineligible work:			
<input type="checkbox"/>	Development work for church-owned properties.		
<input type="checkbox"/>	Total reconstruction.		
<input type="checkbox"/>	Landscaping such as site improvements for parking lots, sidewalks, etc.		
<input type="checkbox"/>	Mitigation activities. I.e., certain environmental clean-up activities.		
<input type="checkbox"/>	Fulfillment of covenant activities (maintenance and public access).		
<input type="checkbox"/>	Routine maintenance.		
<input type="checkbox"/>	Archaeological investigation not related to the preservation of a NR or NR eligible property.		
<input type="checkbox"/>	Curation or exhibition costs.		
<input type="checkbox"/>	Work/performance schedule is provided. The dates are reasonable and work will be completed within the HPF grant period.		
<input type="checkbox"/>	A letter of support from the historic district commission is included.		
<input type="checkbox"/>	Financial certification stating that applicant organization has in place an adequate accounting system with appropriate internal controls is provided.		
<input type="checkbox"/>	A resolution authorizing acceptance of the grant under conditions specified in the grant contract is provided. The resolution lists the names and titles of the individuals authorized to sign the contract and any contract amendments.		

<input type="checkbox"/>	A complete, signed Civil Rights Work Force Status Report is provided.
<input type="checkbox"/>	A complete, signed Affirmation of Equal Opportunity Form is provided.
<input type="checkbox"/>	<input type="checkbox"/> Subgrant is in excess of \$25,000 or subgrantee employs more than 25 employees or has an underutilization of minorities in one or more area. <input type="checkbox"/> Work Force Analysis is provided. <input type="checkbox"/> A written Equal Opportunity Plan that addresses the areas of under-utilization for minorities is provided.
<input type="checkbox"/>	A complete, signed Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion is provided.
<input type="checkbox"/>	The application is signed by the appropriate official.
<input type="checkbox"/>	Budget is mathematically accurate – extension, foot and total checked.
<input type="checkbox"/>	Grant amount requested does not exceed \$30,000.
<input type="checkbox"/>	Match amount is at least 40% of total project costs.
<input type="checkbox"/>	Proof of availability and the source of match funds are provided, signed by appropriate official.
<input type="checkbox"/>	Budgeted items are included in project activities.
<input type="checkbox"/>	Budget, including match, does not include unallowable costs such as alcoholic beverages, food, entertainment, sales tax, operational or ongoing maintenance, contingencies or miscellaneous expenses.
<input type="checkbox"/>	Mileage rate and consultant hourly rate do not exceed the federally allowed maximum amounts.
<input type="checkbox"/>	Budget items and amounts are understandable and do not need further clarification.
<input type="checkbox"/>	Budget does not contain equipment over \$5,000. <input type="checkbox"/> Budget contains equipment over \$5,000 and requires NPS approval before purchasing.

NOMINATION AND SURVEY PROJECTS ONLY

<input type="checkbox"/>	A map is provided with the area to be covered clearly outlined and identified.
--------------------------	--

NOMINATION AND REHABILITATION PROJECTS ONLY

<input type="checkbox"/>	The property owner is listed on the application.
<input type="checkbox"/>	A copy of the deed is provided.
<input type="checkbox"/>	There are questions no about the deed that need clarification.
<input type="checkbox"/>	For non-profit owned structures, a title commitment or abstract of title is provided.
<input type="checkbox"/>	For publicly owned structures, a legal opinion from the local unit's attorney is provided.

REHABILITATION PROJECTS ONLY

<input type="checkbox"/>	A resolution is provided that lists the name and titles of the individuals authorized to sign the required easement.
--------------------------	--

<input type="checkbox"/>	A certification is provided stating that the project has not received federal tax preservation tax credits for the same work.
Photographs provided as follows:	
<input type="checkbox"/>	Four 8 x 10 black and white glossy photographs, two different exterior views, two copies ea.
<input type="checkbox"/>	Or 35mm color slides, two copies of each view
<input type="checkbox"/>	Applicant indicated whether the project is within a federally designated flood area.
<input type="checkbox"/>	Project is within a flood area. <input type="checkbox"/> A copy of flood insurance is provided.
<input type="checkbox"/>	Plans and specifications have been provided with the application.
<input type="checkbox"/>	Plans and specifications meet the Secretary of the Interior Standards for Rehabilitation.
Reviewed By: _____ Date Reviewed: / /	

THIRD PARTY PROJECTS ONLY

<input type="checkbox"/>	A resolution from the third party authorizing individuals to sign the contract is provided.
<input type="checkbox"/>	By-laws and other documents from the third party demonstrating who has the authority to execute a contract have been provided.
Reviewed By: _____ Date Reviewed: / /	

PRIOR TO CONTRACT PREPARATION

<input type="checkbox"/>	All deficiency conditions have been corrected.	
Reviewed By: _____		Date Reviewed: / /
<input type="checkbox"/>	If subgrant amount is \$25,000 or greater, a Project Notification has been submitted to NPS.	
	<input type="checkbox"/> NPS approval of Project Notification received.	Date Submitted: / / Date Received: / /
<input type="checkbox"/>	If subgrant budget contains equipment over \$5,000, a request for approval has been submitted to NPS.	Date Submitted: / /
	<input type="checkbox"/> NPS approval of equipment purchase received.	Date Received: / /

FY05 CLG GRANTS BUILDING REHABILITATION SCORING CRITERIA

Project Name: _____

Applicant: _____

If the project includes interior work the building must be open to the public at least 12 days per year. Documentation of public use of the resource is provided in the grant application.

YES

NO

CERTIFICATION

Plans and specifications are sufficient to proceed with bidding the work, and are consistent with the Secretary of Interior's Standards for Rehabilitation.

Historical Architect Signature

Date

			MAXIMUM POINTS AVAILABLE	TOTAL POINTS RECEIVED
CRITERIA	1)	Project is being undertaken in association with one or more of these priority programs: Michigan's Land, Michigan's Future – Final Report of the Michigan Land Use Leadership Council, Cool Cities Initiative, Michigan Main Street, or retention/reuse of historic neighborhood schools.	25	
	2)	Project demonstrates that it corrects an immediate threat to a resource from demolition, policy change or loss of significant features.	25	
	3)	Project will stabilize structure and/or promote continued use of the resource.	25	
	4)	Addresses the themes and/or resources determined threatened or under-documented in <i>Shore to Shore: Planning to Preserve, Michigan's Historic Preservation Plan</i> ; agriculture, industry, archaeology, education, depression era, and post-World War II resources, historic landscapes, recreation/entertainment.	20	
	5)	Project has a realistic planned use that is compatible with the resource.	5	

TOTAL POINTS

100

Comments: _____

Reviewer Signature: _____

Date: _____

FY05 CLG GRANTS BUILDING REHABILITATION PLANNING SCORING CRITERIA

Project Name: _____

Applicant: _____

			MAXIMUM POINTS AVAILABLE	TOTAL POINTS RECEIVED
CRITERIA	1)	Project is being undertaken in association with one or more of these priority programs: Michigan's Land, Michigan's Future – Final Report of the Michigan Land Use Leadership Council, Cool Cities Initiative, Michigan Main Street, or retention/reuse of historic neighborhood schools.	25	
	2)	Project will result in the creation of a rehabilitation master plan, historic structures report, feasibility or marketing study, or comprehensive plans and specifications for building rehabilitation.	20	
	3)	Application demonstrates that the resource is threatened by demolition, policy change, or by loss of significant features.	20	
	4)	Application demonstrates that the project is consistent with the community master plan.	10	
	5	Addresses the themes and/or resources determined threatened or under-documented in <i>Shore to Shore: Planning to Preserve</i> , Michigan's Historic Preservation Plan; agriculture, industry, archaeology, education, depression era, and post-World War II resources, historic landscapes, recreation/entertainment.	20	
	6)	Project has a realistic planned use that is compatible with the resource.	5	

TOTAL POINTS 100

Comments: _____

Reviewer Signature: _____ Date: _____

U.S. DEPARTMENT OF THE INTERIOR

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, INELIGIBILITY AND
VOLUNTARY EXCLUSION**

LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisitions and Property Management, 18th and C Streets, N.W., Washington, D.C. 20240.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements of this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

DI-1954
(9/88)

INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.
5. The prospective lower tier participant further agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**THE SECRETARY OF THE INTERIOR'S
STANDARDS FOR REHABILITATION**

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence or structures.
7. Chemical or physical treatments, such as sandblasting, which cause damage to historic materials, shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**MICHIGAN DEPARTMENT OF HISTORY, ARTS AND LIBRARIES
HISTORIC PRESERVATION PERSONNEL LOG**

Historic Preservation Project Timesheet
--

Name:	
Project Name:	
Project Number:	

Date	Work Description	Preservation Project Hours	Non-Project Hours

	Total Hours Worked	<input style="width: 150px;" type="text"/>
	x Rate Per Hour	<input style="width: 150px;" type="text"/>
	Total Value of Labor	<input style="width: 150px;" type="text"/>

EMPLOYEE SIGNATURE

DATE

SUPERVISOR SIGNATURE

DATE

MICHIGAN DEPARTMENT OF HISTORY, ARTS AND LIBRARIES HISTORIC PRESERVATION REIMBURSEMENT REQUEST

Project Name:			
Name of Grant Recipient:			
Address to which reimbursement should be mailed:	STREET ADDRESS		
	STREET ADDRESS		
	CITY	STATE	ZIP CODE
Federal Identification Number:			
			HAL USE ONLY
Amount of the Grant:	\$		VERIFIED:
Amount of this Request:	\$		VERIFIED:
Grant Balance:	\$		VERIFIED:
Total Matching:	\$		VERIFIED:

Source of Cash Matching Share:			
	ATTACHMENTS: <input type="checkbox"/> Itemization of Expenditures <input type="checkbox"/> Copies of Cancelled Checks <input type="checkbox"/> Copies of Invoices <input type="checkbox"/> Progress or Completion		

I certify that all expenditures for the above project have been made during the duration of the contract, are relevant to the project and do hereby request reimbursement. No federal funds have been used as match for the project unless authorized as part of the approved grant budget. Matching funds have been used to match any other federally assisted project.

_____ SIGNATURE OF RESPONSIBLE OFFICER	_____ DATE	_____ PHONE NUMBER
---	---------------	-----------------------

APPROVALS			
STATE HISTORIC PRESERVATION OFFICER	DATE	SHPO GRANTS MANAGER	DATE

REQUEST FOR REIMBURSEMENT INSTRUCTIONS

- Enter the name of the Historic Preservation Fund project.
- Enter the name of the grant recipient.
- Enter the address where the check should be mailed.
- Enter the amount of the grant award.
- Enter the amount of the reimbursement request.
- Enter the amount of the grant award less the amount of the reimbursement request.
- Enter the total matching share for this reimbursement request.
- Enter the source of the matching share. Indicate the source of the cash match, e.g., city general fund, private funds, Community Development Block Grant funds, etc.)

Any request for reimbursement must be accompanied by documentation of both the federal and matching shares. Documentation should include an itemization of expenditures, copies of canceled checks or other proof of payment, timesheets, and invoices. The final completion report and/or other finished product must accompany the request for final payment. In the case of a partial payment, a progress report will be required.

This form must be signed by the person who signed the contract or the chief financial officer. The federal identification number must be included. Payment cannot be processed without it.

**CIVIL RIGHTS MANUAL FOR THE
HISTORIC PRESERVATION FUND PROGRAM
IN MICHIGAN**

TABLE OF CONTENTS

	Page
I. Introduction.....	49
II. Definitions.....	49
III. What Must be Submitted With Application.....	50
IV. Services, Activities and Programs	50
V. Employment	51
VI. Funding Approval.....	52

CIVIL RIGHTS APPENDICES

A. Work Force Status Report/Instructions	54-55
B. Affirmation of Equal Opportunity	58
C. Work Force Analysis	59
D. Equal Opportunity Plan	60

This publication has been financed with federal funds from the National Park Service, Department of the Interior. However, the contents and opinions do not necessarily reflect the views and policies of the Department of the Interior. This program receives federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age or handicap in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

CIVIL RIGHTS COMPLIANCE REQUIREMENTS

INTRODUCTION

These procedures are issued under the authority of Title VI of the 1964 federal Civil Rights Act, and the State of Michigan Executive Directive 1979-4. It is the policy of the State of Michigan to afford all Michigan citizens full and equal employment benefits provided by federal- and state-supported programs and services, without discrimination based upon race, color, creed, religion, national origin, age, sex or handicap.

It is appropriate that the State of Michigan, in fulfilling that policy, assure compliance with the non-discrimination provisions of state and federal laws whenever grant funds are awarded and used. It is further appropriate that the state not enter into any contract or agreement, not fund or serve as a conduit for funding, for programs which may have the effect of creating or perpetuating patterns of discriminatory practice.

All recipients of state grants and federal grants passing through the Department of History, Arts and Libraries are therefore required to file a statement pledging that there is a reasonable representation of minority group individuals and women in all levels of their work forces and that there exists equal opportunity to participate in and enjoy the benefits of all programs and activities without regard to race, color, religion, national origin, age, sex or handicap.

Subgrantees receiving sums of \$25,000 or more or employing twenty-five persons or more will also be required to complete a written Equal Employment Opportunity Plan.

Enclosed are instructions for completion of the Civil Rights forms that must accompany an application for a Historic Preservation grant.

If it is determined at any time that an applicant is not in compliance with the equal opportunity standards established by law, the application will be rejected or the contract terminated.

DEFINITIONS *(As used in this document:)*

- Subgrantee:** Any public or private agency, organization or contractor, to whom state or federal funding is extended through the Department of History, Arts and Libraries.
- Contractor:** All contractors, vendors, subcontractor, and suppliers providing goods or services directly or indirectly to a subgrantee.
- Minority persons:** (1) American Indians or Alaskan Natives. Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition;
(2) Asian or Pacific Islanders. Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, and Samoa;
(3) Blacks. Persons having origin in any of the black racial groups of Africa;
(4) Hispanics. Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- White persons:** Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- Facility:** Includes all or any part of structures, equipment, or other real or personal property or interests.
- Program, activity or service:** Any function conducted by any unit of the subgrantee or contractor receiving funds through the Department of History, Arts and Libraries.
- Population base:** The relevant population for the area from which the work force is drawn (e.g., county, municipality, or geographic area).
- Handicap:** A determinable physical or mental characteristic of an individual or the history of the characteristic which may result from disease, injury, congenital condition of birth or functional disorder which characteristically is unrelated to the individual's ability to perform the duties of a particular job or position, or is unrelated to the individual's qualifications for employment or promotion, or is unrelated to the individual's ability to utilize and benefit from a program. Qualified handicap includes a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question.

WHAT MUST BE SUBMITTED WITH THE APPLICATION

- A. Recipients employing fewer than 25 employees and receiving less than \$25,000 are required to submit the following reports to the Department of History, Arts and Libraries with the application:
1. The Work Force Status Report (Appendix A).
 2. The Affirmation of Equal Opportunity (Appendix B).
- B. Recipients employing 25 or more persons or receiving \$25,000 or more are required to submit the following reports with the application:
1. The Work Force Status Report (Appendix A).
 2. The Affirmation of Equal Opportunity (Appendix B).
 3. Work Force Analysis (Appendix C)
 4. An Equal Employment Opportunity Plan (Appendix D).
- C. Additional Responsibilities. A subgrantee's responsibilities include requiring its contractors to file a Work Force Status Report and an affirmation of Equal Opportunity.
- D. Alternative Compliance. A subgrantee who has obtained a current Certificate of Awardability from the Michigan Department of Civil Rights (MDCR) may fulfill the minority and female reporting requirements of these procedures by submitting a copy of the Certificate to the SHPO, Department of History, Arts and Libraries.
- E. Preservation of Records. Each subgrantee/contractor is required to keep employment and other records used in preparation of the above reports for not less than six months beyond the end date of the contract and to permit access to records by the SHPO of the Department of History, Arts and Libraries, MDCR, or the Office of Equal Opportunity to ascertain compliance with Executive Directive 1979-4 and Title VI of the Civil Rights Act.
- F. Reporting Requirements. Failure to file timely, complete and accurate documents as described above constitutes presumptive noncompliance with the obligations of recipients under Executive Order 1979-4 and Title VI of the 1964 Civil Rights Act and may be a basis for the imposition of sanctions authorized under Executive Directive 1979-4 and Title VI of the 1964 Rights Act.

IEQUAL OPPORTUNITY

IN THE PROVISION OF SERVICES, ACTIVITIES AND PROGRAMS

- A. Prohibited Discriminatory Actions. No person in the State of Michigan shall, on the grounds of race, color, religion, national origin, age, sex or handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any contract, program or activity funded in whole or in part with funds made available through any state agency. Prohibited discriminatory actions include, but are not limited to, the following:
1. Deny any service or other benefit provided.
 2. Provide any service or other benefit to a minority, female or handicapped person that is different, or is provided in a different form, from that provided to the majority, unless such action is necessary to provide qualified handicapped persons with benefits or services provided to others.
 3. Treat a minority, female or handicapped individual differently from others in determining whether the person satisfies any admission, enrollment, eligibility, membership, or other requirement that persons must meet in order to provide any service or other benefit.
 4. Deny any person an equal opportunity to participate as an appointed member of a planning or advisory body involved in administering state or federal funds.
- B. Site Selection. Each subgrantee/contractor shall, make selections of site and location of facilities that are available to all individuals without regard to race, color, religion, national origin, age, sex or handicap.
- C. Imbalance in Services. Each subgrantee/contractor shall take action to improve any imbalance in services or facilities provided to any geographic area or specific group in order to overcome the effects of prior discriminatory practice.

EQUAL OPPORTUNITY IN EMPLOYMENT

- A. General. In any program or activity funded in whole or in part with public funds, each subgrantee/contractor shall not directly or indirectly subject any individual to unlawful discrimination on the basis of race, religion, color, national origin, age, sex or handicap in its employment practices. These practices include recruitment, recruitment advertising, hiring, lay-off, termination, up-grading, demotion, transfer, rates of pay or other forms of compensation, use of facilities, and all other terms and conditions of employment.
- B. Employment Selection Procedures. MDCR, in carrying out its responsibilities under the Michigan Constitution and Act No. 453 of the Public Acts of 1976, has adopted and promulgated the Guidelines on Employee Selection Procedures as published by the U.S. Equal Employment Opportunity Commission (EEOC), to assist in establishing and maintaining equal employment opportunities. Among other things, these guidelines forbid the use of employee selection practices (e.g., tests, minimum educational levels, experience) which disqualify a disproportionate number of minorities or women for employment and which are not related to job performance.
- C. Sex Discrimination. MDCR has adopted and promulgated guidelines on sex discrimination as published by EEOC. Among special requirements relating to equal opportunity for women are:
1. There shall be no distinction based upon sex in employment opportunities, wages, hours, the granting of fringe benefits, leave, mandatory or optional retirement age, and other terms and conditions of employment.
 2. Medically verifiable disabilities caused or contributed to by pregnancy, miscarriage, therapeutic abortion, childbirth, and recovery shall be treated as temporary disabilities under any health or temporary disability insurance policy or sick leave plan. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits, reinstatement, and payment under any health or temporary disability insurance policies or sick leave plans, shall be applied to pregnancy disability or childbirth in the same way as they are applied to other temporary disabilities.
 3. Advertisements for employment in newspapers and other media must not express a sex preference. The placement of an advertisement in columns "male" or "female" is considered to be a discriminatory limitation.
 4. Nothing in these procedures shall prohibit the hiring of employees of one sex, provided sex is an established bona fide occupational qualification, as provided under section 208 of Act No. 453 of 1976. A bona fide occupational qualification will be interpreted narrowly. The assumption that women are not aggressive or that co-workers or customers prefer one sex or the other does not establish a bona fide occupational qualification.
- E. Religious Discrimination. MDCR has adopted and promulgated guidelines on religious discrimination, requiring in part that employers make "reasonable" accommodations to the religious needs of employees and applicants for employment. These procedures shall not apply to a religious corporation, association or society with respect to the employment of an individual of the same religion to perform work connected with carrying on its religious activities.
- F. National Origin. MDCR has adopted and promulgated guidelines on national origin discrimination. In addition to the protection guaranteed to all minorities, requiring proficiency in the English language where it is not a requirement for satisfactory performance on the job is prohibited.
- G. Age. A subgrantee or contractor shall not refuse to hire, and shall not otherwise discriminate against, a person with respect to employment because of the age of that person, except as otherwise provided by law.
- H. Handicap. With regard to handicapped persons:
1. Under the obligations imposed by Executive Directive 1979-4, each subgrantee is required to take specific action to employ and advance in employment qualified handicapped individuals at all levels of employment, including the executive level. Specific action shall apply to all employment practices, including but not limited to: hiring, upgrading, demotion or transfer; recruitment or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.

2. Each subgrantee shall evaluate its total selection process, including training and promotion, to ensure freedom from stereotyping handicapped persons in a manner that limits their access to all jobs for which they are qualified.
3. If a physical or mental job qualification requirement is used in the selection of applicants for employment or changes in employment status such as promotion, demotion or training and to the extent that the requirement tends to screen out qualified handicapped individuals, the requirement shall be related to the specific job for which the individual is being considered. The subgrantee shall bear the burden of demonstrating that it has complied with the requirements of this paragraph.
4. Each subgrantee must make reasonable accommodations for the physical and mental limitations of an employee or applicant, unless the contractor can demonstrate that such accommodations would impose an undue hardship. In determining the extent of these accommodation obligations, business necessity and financial cost among other factors may be considered.

FUNDING APPROVAL

- A. Condition of Approval of EEO. The execution or renewal of any contract awarding a grant covered under Executive Directive 1979-4, shall be conditioned upon written approval of the subgrantee's EEO Affirmation or the Equal Opportunity Plan.
- B. Review of Reports and Program Proposals. The SHPO of the Department of History, Arts and Libraries has primary responsibility to review and accept or reject the reports and program proposals submitted by each subgrantee.
- C. Review of Remedial Action. When the subgrantee/contractor who employs more than 25 employees or receiving grants of \$25,000 or more has areas of underutilization that require a written plan, the SHPO will review any remedial action which the recipient proposes to take to determine whether the requirements of Executive Directive 1979-4 have been met.
 1. When the requirements appear to have been met, the recipient will be notified of acceptance on the condition that the proposed corrective action will be taken.
 2. When the recipient fails to submit a required plan or submits a plan that does not meet the requirements of Executive Directive 1979-4, the SHPO will notify the recipient that the plan (or lack thereof) is not acceptable, specifying each area of deficiency. If necessary, assistance shall be provided to the recipients in revising the plan to meet the Executive Directive.
- D. Review On-site. On-site compliance reviews of a subgrantee/contractor's program may be scheduled by the SHPO pending or following acceptance of a plan. Priority shall be given to any subgrantee that excludes handicapped persons or that has a significant disparity between the percentage of minorities and women in the population area and the percentage in the recipient's work force.
- E. Alternative in Event of Noncompliance. When the SHPO and the subgrantee/contractor cannot agree on a mutually acceptable plan, the SHPO may:
 1. Declare the subgrantee/contractor unawardable and proceed as in any determination of nonperformance under the contract.
 2. Notify MDCR that the SHPO and the subgrantee are unable to resolve their differences. Written notice to that effect will be served on the subgrantee by the SHPO.
 3. Staff from MDCR will review the file, consider any additional information either party cares to submit, and offer assistance in resolving the differences in a final effort to secure voluntary compliance. Whenever an amicable resolution cannot be achieved, MDCR will issue a written determination to the SHPO that the subgrantee/contractor is or is not in compliance. Thereafter, either party may petition MDCR for a Hearing as provided for in the rules of the Michigan Civil Rights Commission.

WORK FORCE STATUS REPORT

Minority Population Base _____

Job Category	Total	Black		Hispanic		American Indian		Female		Other Minority		Handicapped		
		M	F	M	F	M	F	Total	%	Total	%	Total	%	
Administrative														
Professionals														
Technicians														
Office/Clerical														
Service/Maintenance														
Total														
New Hires														
New Hires Within Last Year														
Terminated														
Wage Range														
Annual Salary	Admini-strative	Professionals				Technicians				Office/Clericals				Service/Maintenance
Minimum														
Maximum														

1. Provide date of the payroll used to obtain the workforce breakdown.
2. Fill-in Minority Population figure for your area.
3. Use the Minority Population percentages on the following pages.
4. Circle each percentage, which is less than minority availability for your area in the Percentage Minority Column.
5. Circle each percentage, which is less than 42%, which is the statewide % of females in the labor force, in the Female column.
6. Is residence required for employees in the above classification?

Name	Date
Organization	

INSTRUCTIONS FOR WORK FORCE STATUS REPORT

- 1) Every subgrantee shall submit a report on the status of the present work force to the SHPO (see next page). The report shall include the following information:
 - a. Current total number of employees, and the numbers of minority, female and handicapped employees in all levels of employment.
 - b. The percentage of minority and the percentage of female employees in all levels of employment.
 - c. The total number of employees, and the numbers of minority, female and handicapped employees hired and/or terminated for any reason within the preceding 12 months.
 - d. A calculation of the percentage of minorities in the population and women in the work force for the geographic area from which employees are drawn, based on figures obtained from the Michigan Employment Security Commission or an equally reliable source. The basis for establishing the geographic area must be included.
 - e. A comparison of the available percentage of minorities and females (d. above) and the percentage of minorities and women among the total employees. Reasonable representation for minorities and females means employing a work force that reflects the percentage of minorities and females in the population base at all job levels and in all areas. A subgrantee or contractor whose work force does not meet this standard is required to take remedial action, described in Appendices B or C.
2. The subgrantee shall submit the Work Force Status Report to:

**Denise J. Sachau, Grants Manager
State Historic Preservation Office
Michigan Historical Center
PO Box 30740
702 West Kalamazoo Street
Lansing, Michigan 48909-8240**

**COUNTY MINORITY GROUP
POPULATION PERCENTAGES***

County	Total Minority Percentage	% Black	% Hispanic	% American Indian	% Asian American
Alcona	1.4	0.2	0.5	0.5	0.2
Alger	7.9	2.4	0.5	3.3	0.3
Allegan	5.8	1.6	3.2	0.6	0.4
Alpena	1.2	0.1	0.5	0.3	0.3
Antrim	1.9	0.1	0.5	1.2	0.1
Arenac	2.4	0.1	1.1	0.9	0.3
Baraga	12.5	0.6	0.4	11.4	0.1
Barry	1.7	0.2	1	0.3	0.2
Bay	5.2	1.1	3.1	0.6	0.4
Benzie	3.5	0.2	1.1	1.9	0.3
Berrien	18.2	15.3	1.7	0.4	0.8
Branch	3.6	1.6	1.1	0.5	0.4
Calhoun	13.8	10.5	2	0.5	0.8
Cass	9.9	7.4	1.3	0.9	0.3
Charlevoix	2.5	0.1	0.5	1.7	0.2
Cheboygan	2.9	0.1	0.3	2.2	0.3
Chippewa	18.3	6.2	0.8	10.9	0.4
Clare	1.5	0.2	0.5	0.6	0.2
Clinton	3.2	0.3	2.2	0.4	0.3
Crawford	4.2	2.1	0.6	1.2	0.3
Delta	2.6	0.03	0.3	2.1	0.2
Dickenson	1.4	0.08	0.4	0.5	0.4
Eaton	6.9	3.5	2.4	0.4	0.6
Emmet	3.9	0.5	0.5	2.7	0.2
Genesee	22.9	19.4	2.1	0.7	0.7
Gladwin	1.4	0.7	0.6	0.5	0.2
Gogebic	3.4	1.3	0.4	1.6	0.1
Grand Traverse	2.5	0.4	0.8	0.8	0.5
Gratiot	5.1	0.8	3.8	0.3	0.2
Hillsdale	1.7	0.2	0.9	0.3	0.3
Houghton	3	0.4	0.5	0.4	1.7
Huron	1.7	0.06	1.1	0.3	0.2
Ingham	17.7	9.7	4.8	0.6	2.6
Ionia	7.9	5.2	2.1	0.4	0.2
Iosco	4.9	2.1	1.2	0.7	0.9
Iron	1.4	0.03	0.5	0.7	0.2
Isabella	5.1	1.2	1.3	1.8	0.8
Jackson	10.2	7.9	1.5	0.4	0.4
Kalamazoo	12.4	8.8	1.8	0.4	1.4
Kalkaska	1.7	0.07	0.6	0.8	0.2
Kent	12.4	7.9	2.9	0.5	1.1
Keweenaw	0.9	0.06	0.3	0.2	0.4

Lake	14.9	13.3	0.7	0.8	0.1
Lapeer	3.2	0.6	1.9	0.4	0.3
Leelanau	4.1	0.09	1.1	2.7	0.2
Lenawee	8.3	1.5	6	0.3	0.5
Livingston	2.3	0.6	0.8	0.5	0.4
Luce	6.2	0.03	0.4	5.7	0.1
Mackinac	16.3	0.04	0.3	15.8	0.1
Macomb	4	1.4	1.1	0.3	1.2
Manistee	2.8	0.2	1.5	0.9	0.2
Marquette	4.3	1.6	0.7	1.3	0.7
Mason	3.1	0.5	1.6	0.7	0.3
Mecosta	4.7	2.6	1	0.6	0.5
Menominee	1.9	0.02	0.2	1.5	0.2
Midland	3.7	0.9	1.4	0.4	1
Missaukee	1.3	0.02	0.5	0.6	0.2
Monroe	3.9	1.7	1.5	0.3	0.4
Montcalm	4.1	1.7	1.6	0.6	0.2
Montmorency	1.2	0.01	0.6	0.5	0.1
Muskegon	16.8	13.5	2.3	0.7	0.3
Newaygo	4.4	1.2	2.5	0.5	0.2
Oakland	11.5	7.1	1.8	0.3	2.3
Oceana	7.6	0.3	6.2	0.9	0.2
Ogemaw	1.4	0.09	0.5	0.7	0.09
Ontonagon	1.6	0.04	0.3	1.2	0.1
Osceola	1.8	0.3	0.7	0.6	0.2
Oscoda	1.2	0.02	0.6	0.5	0.06
Otsego	1.4	0.1	0.3	0.5	0.5
Ottawa	6.3	0.5	4.2	0.3	1.3
Presque Isle	0.9	0.08	0.3	0.3	0.2
Roscommon	1.2	0.2	0.4	0.5	0.1
Saginaw	24.1	17.1	6.2	0.3	0.5
St. Clair	4.5	2	1.7	0.5	0.3
St. Joseph	4.4	2.7	0.9	0.4	0.4
Sanilac	2.9	0.09	2.3	0.4	0.1
Schoolcraft	6.8	0.08	0.4	6.2	0.1
Shiawassee	2.5	0.2	1.5	0.5	0.3
Tuscola	3.8	0.8	2.1	0.5	0.4
Van Buren	11	6.6	3.2	0.8	0.3
Washtenaw	17.5	11.1	2	0.3	4.1
Wayne	43.7	40	2.4	0.3	1
Wexford	1.7	0.1	0.6	0.7	0.3

*Based on 1990 Census Data

AFFIRMATION OF EQUAL OPPORTUNITY

- 1) The subgrantee/contractor hereby affirms a policy of equal opportunity in employment and participation in and benefit from all programs, activities, and services without regard to race, color, religion, national origin, age, sex, or handicap.
- 2) The subgrantee/contractor hereby agrees to:
 - 1) Take all remedial steps necessary to correct any under-representation of minorities or women reported on the Work Force Status Report.
 - 2) To achieve a reasonably representative work force at all levels of employment.
 - 3) State in all promotional, and advertising materials that all programs, services, and activities are performed without regard to race, color, religion, national origin, age, sex, or handicap and that in employment practices all applicants shall receive equal consideration.
 - 4) Post, in conspicuous, place, notices setting forth the law on equal opportunity in employment and services. (Posters are available from the SHPO, Department of History, Arts and Libraries or the Michigan Department of Civil Rights.)

Name	Date: / /
Typed Name	
Title	
Organization	

Return Form To:

**Denise J. Sachau, Grants Manager
State Historic Preservation Office
Michigan Historical Center
PO Box 30740
702 West Kalamazoo Street
Lansing, Michigan 48909-8240**

WORK FORCE ANALYSIS

In addition to completing Appendix A and B, a subgrantee/contractor with a contract in excess of \$25,000, or employing 25 or more persons is required to prepare the following analysis:

- 1) The first step in analyzing the present representation of minority and female persons accomplished by completing the Work Force Status Report. If the minority and female work force in all job categories is equal to or exceeds the standard at all levels, no further analysis is required for minorities and women.
- 2) The first step in providing equal opportunity for handicapped persons shall be a self-evaluation that shall identify any selection, promotion or training programs that exclude or tend to exclude handicapped persons who are otherwise qualified to perform a particular job.
- 3) Each subgrantee/contractor is required to conduct a continuing program of self-evaluation to ascertain whether any recruitment, selection, or promotional policy directly or indirectly has the effect of denying equal opportunities to minority individuals, women, or handicapped persons.
- 4) In making the evaluation of employment opportunities, the subgrantee/contractor shall conduct a separate analysis for minorities, women, and handicapped persons. However, all racial and ethnic data collected should be cross classified by sex to ascertain the extent to which minority women and minority men may be under-utilized.
- 5) Whenever under-utilization of minorities and women occurs or whenever conditions have resulted in the limited participation of handicapped persons, it will be necessary to identify those policies and procedures which operate to the disadvantage of minorities, women, or handicapped persons. The analysis should include:
 - 1) A review of the employment selection procedures for the preceding fiscal year, including application forms, recruitment methods, interview procedures, test validity, experience/education requirements, and final selection methods to insure that unnecessary barriers do not disadvantage minorities, women, and handicapped persons. The number of individuals by race, sex, national origin, and handicap applying for employment within the preceding fiscal year should be compared with the number of applicants who were offered employment and those who were actually hired. Attention should be paid to the reasons for rejection and the effects on minorities, women, and handicapped persons. If such data is unavailable, the subgrantee should institute a system for the collection of such data.
 - 2) A review of promotion procedures and training programs during the preceding year in order to insure that equal opportunity. The race, sex, age, national origin, and handicap of applicants who made application for promotion or training should be compared with the number who were actually promoted or trained.
 - 3) For handicapped persons, the subgrantee shall invite applicants and employees who believe themselves covered by the Executive Directive and who wish to benefit under the affirmative action program to identify themselves as handicapped. The invitation shall state that the information is voluntary, and will be used only in accordance with the Executive Directive. Refusal to provide the information will not result in adverse treatment. If a handicapped person is identified the subgrantee should seek suggestions from the applicant or employee regarding proper placement and appropriate accommodation.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

This section applies to those plan/contractors employing 25 or more or contracts in excess of \$25,000 and who have an under-utilization of minorities and females or limited participation of handicapped persons in one or more areas. A written Equal Opportunity Plan shall specifically address the areas of under-utilization for minorities, women or handicapped persons and should include:

- 1) A plan for the recruitment of minorities women, and handicapped persons based on what is necessary to attract applicants including but not necessarily limited to use of advertising media patronized by women, minorities, and handicapped persons.
- 2) A statement of the plan's existing employment policies and practices, e.g., testing, experience and education requirements, with particular emphasis on steps which have been taken or will be taken to assure that each is job-related.
- 3) An evaluation of the effect the policies and practices have on minorities, women, and handicapped persons. Specific attention should be given to transfer and promotion policies and procedures, including credit for departmental seniority that may disadvantage women, minorities, and handicapped persons. Where improvement is necessary, the plan shall set forth the steps that will be taken to assure equal opportunity.
- 4) The equal opportunity goal is the employment of minorities and women in each job category so that the work force reflects the percentage of minorities and women found in the population base. In establishing goals and timetables for the employment of minorities and women during the life of the contract, the availability for specific job categories may be determined by the following factors:
 - a) The minority and female population of the labor area surrounding the facility;
 - b) The availability of minorities and females having requisite skills in an area in which the plan can reasonable recruit;
 - c) The availability of minorities and females within the work force who may be transferred or promoted.
 - d) The existence of training institutions capable of preparing minority persons and females in the requisite skills.

These goals should be significant, measurable, and attainable. In establishing timetables to meet the goals, the plan or contractor will consider the anticipated expansion, contraction or turnover of the work force. In no case are the goals to be viewed as rigid quotas. The purpose of setting a projected goal is to permit the plan to measure the success of the steps taken to implement equal employment opportunity. Failure to meet a goal should alert the plan that the plan is not working and that additional action is required.

- 5) Provision for dissemination of the Equal Employment Opportunity Plan to all personnel, applicants, and the general public.

PROCUREMENT AND SUBCONTRACT FORMS

TABLE OF CONTENTS

	Page
I. Notice Of Requirement For Affirmative Action	49
II. Standard Equal Employment Opportunity Construction Contract Specification	49
III. Equal Employment Opportunity Clause	50
IV. Certification Of Non-Segregated Facilities	50
V. Construction Procurement Summary	51

**NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION
TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY
(EXECUTIVE ORDER 11246)**

1. The Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

TIMETABLES	Goals for Minority Participation For Each Trade	Goals for Female Participation in Each Trade
	(Insert Goals for Each Trade)	(Insert Goals for Each Trade)
	(Insert Goals for Each Year)	(Insert Goals for Each Year)

These goals are applicable to all the Contractor's construction work (whether it is federal or federally assisted) performed in the covered area.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR 60-4 shall be based on the contractor's implementation of the Equal Employment Clause, specific affirmative action obligations required by the specification set forth in 41 CFR 60-4.3(a), and the Contractor's efforts to meet the goals established for the geographical areas where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor-to-Contractor or from project-to-project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order, and the regulations in 41 CFR 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor and the geographical area in which the contract is to be performed.
4. As used in this Notice and in the contract resulting from this solicitation, the "covered area" is (insert description of the geographical area(s) where the contract is to be performed giving the state, county and city, if any).

**STANDARD EQUAL EMPLOYMENT OPPORTUNITY
CONSTRUCTION CONTRACT SPECIFICATION
(EXECUTIVE ORDER 11246)**

- 1) As used in these specifications:
 - a. "Covered area" means the geographical area described in the solicitation from which this contract resulted.
 - b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority.
 - c. "Employer identification number" means the federal Social Security Number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
 - d. "Minority" includes:
 - ii) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin)
 - iii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race)
 - iv) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands)
 - v) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
- 2) Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, the Contractor/Subcontractor shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which the contract resulted.
- 3) If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, the Contractor's affirmative action obligations on all work in the Plan Area (including goals and timetables) shall be in accordance with that Plan for those trades that have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with their obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan's goals and timetables.
- 4) The Contractor shall implement the specific affirmative action standards provided in paragraphs 7a through 7p of this Attachment. The goals set forth in the solicitation are expressed as percentages of the total hours of employment and training that the Contractor should reasonably be able to achieve for minority and female utilization in each construction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress toward these goals in each craft during the period specified.
- 5) Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement to refer either minorities or women, shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
- 6) In order for the non-working training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Training must be in accordance with training progress approved by the U.S. Department of Labor.
- 7) The Contractor shall take specific affirmative actions to assure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon the Contractor's efforts to achieve maximum results for these actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:
 - a) Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a work environment, with specific attention to minority or female individuals working at such sites or in such facilities.
 - b) Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or the Contractor's union have employment opportunities available, and maintain a record of the organizations' responses.

- c) Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source, or a community organization, and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union, or if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken.
 - d) Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's effort to meet its obligations.
 - e) Develop on-the-job training opportunities and/or participate in training programs for the areas that expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractors' employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under 7b, above.
 - f) Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction is performed.
 - g) Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibilities for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as superintendents, general foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
 - h) Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
 - i) Direct recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students, and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment sources, the Contractors shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
 - j) Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after-school, summer, and vacation employment to minority and female youth, both on the site and in other areas of a Contractor's workforce.
 - k) Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR 60-3.
 - l) Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities, and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
 - m) Ensure that seniority practices, job classifications, work assignments and other personnel practices do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.
 - n) Ensure that all facilities and company activities are non-segregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
 - o) Document and maintain a record of all solicitations of offers for subcontractors from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
 - p) Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
- 8) Contractors are encouraged to participate in voluntary associations that assist in fulfilling one or more of the affirmative action obligations (7a through 7p). The efforts of a contractor association, joint contractor-union, contractor-community (or other similar group of which the contractor is a member and participant), may be asserted as fulfilling any one or more of their obligations under 7a through 7p of these specifications provided that:
- a) The contractor actively participates in the group

- b) Makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry
- c) Ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation
- d) Makes a good faith effort to meet its individual goals and timetables
- e) Provides access to documentation that demonstrates the effectiveness of actions taken on behalf of the Contractor.

The obligation to comply, however, is the Contractor's, and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

- 9) The Contractor is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved the goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).
- 10) The Contractor shall not use the goals and timetables of affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.
- 11) The Contractor shall not enter into any subcontract with any person or firm debarred from government contracts pursuant to Executive Order 11246.
- 12) The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination, and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.
- 13) The Contractor, in fulfilling the obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of this Attachment, so as to achieve maximum results from the efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.
- 14) The Contractor shall designate a responsible official to monitor all employment-related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions thereof as may be required by the Government, and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.
- 15) Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

EQUAL EMPLOYMENT OPPORTUNITY CLAUSE

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the federal Government or borrowed on the credit of the federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any federal program involving such grant, contract, loan insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees to the following:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure the applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
3. The contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order 11246 and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to all books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and others.
6. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246, and such other sanctions may be imposed and remedies invoked as provided in that Executive Order, or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by law.
7. The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246, so that such provisions will be binding upon each subcontract or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees to be bound by the above equal opportunity clause with respect to its own employment practices when participating in federally assisted construction work, provided that if the applicant so participating is a state or local government, the above equal opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees to assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, to furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and to otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees to refrain from entering into any contract or contract modification subject to Executive Order 11246 with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that failure or refusal to comply with these undertakings may cause the administering agency to take any or all of the following actions: cancel, terminate, or suspend in whole or in part this grant, contract, loan, insurance, guarantee; refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the U.S. Department of Justice for appropriate legal proceedings.

CERTIFICATION OF NONSEGREGATED FACILITIES

(Applicable to federally assisted construction contracts and related subcontracts exceeding \$10,000 that are not exempt from the Equal Opportunity clause.)

The federally assisted construction contractor certifies that he/she does not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he/she will not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she will not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work area, rest rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. The federally assisted construction contractor agrees that (except where he/she has obtained identical certifications from proposed subcontractors for specific time periods) he/she will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he/she will retain such certifications in his/her files.

Signature

Date

Name and Title of Signer (Please Print or Type)

NOTE: The penalty for making false statements in offers is prescribed in 18 USC 1001.

CONSTRUCTION PROCUREMENT SUMMARY

Project Name: _____

Work Scope: _____

Specifications Approval by the Department of History, Arts and Libraries: _____ Date: ____ / ____ / ____

The following materials must be submitted to the Department of History, Arts and Libraries:

- _____ Bid Document
- _____ Copy of the Advertisement
- _____ Bid Tabulation worksheet

BIDDER	BID AMOUNT

SELECTED
CONTRACTOR: _____ AMOUNT: \$ _____

Executed Contract includes the following items:

- _____ Debarment Certification Form
- _____ Anti-Kickback Act Clause
- _____ Record Retention Clause
- _____ Provisions for Breach of Contract

Executed Contracts OVER \$10,000 must include all of the items listed above as well as:

- _____ EEO Affirmation
- _____ EEO Clause
- _____ Certification of Non-segregated Facilities

Executed Contracts OVER \$100,000 must include all of the items listed above as well as:

- _____ Bid Guarantee
- _____ Performance Bond
- _____ Payment Bond
- _____ Provision for compliance with the Clean Air Act, Clean Water Act, Executive Order 11238 and EPA regulations.

Submit to:

**Denise J. Sachau, Grants Manager
State Historic Preservation Office
Michigan Historical Center
702 West Kalamazoo Street
PO Box 30740
Lansing, Michigan 48909-8240**